

SLOUGH BOROUGH COUNCIL

REPORT TO: Employment and Appeals Committee

DATE: 20th June 2017

CONTACT OFFICER: Surjit Nagra, OD/HR Lead
(For all enquiries) 01753 875727

WARD(S): All

PART I FOR APPROVAL

FAMILY LEAVE POLICIES AND PROCEDURES

1. **Purpose of Report**

The purpose of this report is to highlight to the Employment Appeals Committee the revisions to paragraph 13 of the Maternity Policy and Procedure and paragraph 7 of the Paternity Policy and Procedure.

2. **Recommendation(s)/Proposed Action**

The Committee is requested to approve the revised wording in the Maternity and Paternity Policies and Procedures which have been updated to reflect the comments made by the Committee. This was in respect of further guidance for Managers when dealing with the sad event of an employee suffering a miscarriage or stillbirth.

3. **Supporting Information**

This committee was presented with the Maternity and Parental Policy and Procedures in April which had been updated to reflect the changes in statutory provisions, and the employment branding format. The content of both policies were agreed by the committee, subject to enhancing the paragraphs that related to an employee who suffers a miscarriage or still birth.

The revised wording in the **Maternity Policy and Procedure** is set out below:

Exceptional Circumstances

In the very sad event that the pregnancy ends in miscarriage in the first 24 weeks of pregnancy, the employee will not be entitled to maternity leave or pay but the employee's absence will be managed sensitively. The Council's Sickness Absence Policy and Leave Policy and Procedure should be referred to for guidance. Managers should take into account that the employee will be grieving and distressed and therefore should exercise leniency in the normal reporting procedures if required. Managers should show patience and understanding and ensure all possible support is provided to the employee. Employees whose partner has suffered a miscarriage before 24 weeks of pregnancy will be entitled to some time off under the statutory right to time off for dependants.

In tragic circumstance where the employee gives birth to a still born baby or the baby sadly dies at, or shortly after birth after 24 weeks of pregnancy, their entitlement to maternity leave and pay are unaffected. If the employee indicates she intends to return to work early but subsequently changes her mind, or returns to work, but then goes off on sickness absence, managers should demonstrate patience and understanding and offer all possible support. An employee whose partner has had a stillbirth after 24 weeks of pregnancy, or whose child has died after birth, may also be entitled to statutory paternity leave and pay, along with time off for dependants.

Managers should ensure the sensitive handling of an employee returning to work after such sad events. An employee with any concerns about the grieving process impacting on their work performance should discuss this in confidence with either their line manager or ODHR. Managers need to ensure that any reasonable adjustments that may be necessary are discussed and put in place and that the employee is supported in their return to the full range of duties and responsibilities that they had prior to the bereavement. The employee may initially want to return on a phased basis, or on reduced hours or take a period of unpaid leave. All requests must be carefully considered by managers and if necessary can take confidential advice from OD/HR. Employees can access support from the Councils Employee Assistance at www.livewell.optum.com, telephone 0800 282 193.

At the end of the policy we will make reference to the following source where both employee and manager can get additional support:

Child Bereavement UK guidance for employees and employers
www.childbereavementuk.org

The revised wording in the **Paternity Policy and Procedure** is set out below;

Exceptional Circumstances

In the very sad event an employee's partner has suffered a miscarriage before 24 weeks of pregnancy; the employee will be entitled to some time off under the statutory right to time off for dependants. If the child is tragically stillborn after 24 weeks of the pregnancy, or is born alive but dies after this time, the employee is still entitled to Paternity Leave and Pay along with time off for dependents.

Managers should ensure the sensitive handling of an employee returning to work after such sad events. An employee with any concerns about the grieving process impacting on their work performance should discuss this in confidence with either their line manager or ODHR. Managers need to ensure that any reasonable adjustments that may be necessary are discussed and put in place and that the employee is supported in their return to the full range of duties and responsibilities that they had prior to the bereavement. The employee may initially want to return on a phased basis, or on reduced hours or take a period of unpaid leave. All requests must be carefully considered by managers and if necessary can take confidential advice from OD/HR. Employees can access support from the Councils Employee Assistance at www.livewell.optum.com, telephone 0800 282 193.

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Below sets out the summary of the main changes for each policy which were presented in April:

Maternity Policy and Procedure

The Maternity Policy and Procedure has been updated to include:

- Clarification regarding keep in touch days (KIT days)
- Reflect prevailing statutory provision including arrangements for payment of statutory maternity pay during KIT days
- Guidance for the sad event of a miscarriage or stillbirth. This section has been expanded to ensure Managers are clear about what is expected from them in respect of the support that should be provided to the employee and the sensitivity that should be shown.

Paternity Policy and Procedure

The Paternity Policy and Procedure has been updated to include:

- Clarification that paternity leave applies to those adopting a child and/or in a civil partnership
- Reflect prevailing statutory provision
- Guidance for the sad event of a miscarriage or stillbirth. This section has been expanded to ensure Managers are clear about what is expected from them in respect of the support that should be provided to the employee and the sensitivity that should be shown.

Parental Leave Policy and Procedure

The Parental Leave Policy and Procedure has been updated to include:

- Clarification that parental leave applies to those caring for adoptive children

The Government has introduced new statutory arrangements for shared parental leave. Shared parental leave aims to give parents flexibility in how they share leave in the year following the birth or adoption of a child.

Despite the similarity in name, Parental Leave is a separate provision that provides parents the flexibility to take a maximum of 18 weeks unpaid leave to care for their child up until their 18th birthday.

Consultation

Consultation has taken place with the Corporate Consultative Forum who responded positively to the revisions.

Implementation Process

The implementation process will include various methods of communication including;

- Newsround
- Grapevine staff newsletter
- E mail to all line managers
- HRBP's to provide update at Senior Management Team Meetings

4. Background Papers

None

5. Appendices

Appendix 1 - Maternity Policy and Procedure

Appendix 2 - Paternity Policy and Procedure

Appendix 3 - Parental Leave Policy and Procedure